

REMARKS

Applicant affirms the election of claims 84 – 93 for further examination in this case. The examiner has rejected claim 84 for indefiniteness and suggested a correction. Applicant agrees with Examiner's suggestion and has amended claim 84 accordingly.

The Examiner has rejected claim 93 for indefiniteness and suggested a correction. Applicant agrees with the Examiner's suggestion and has amended the claim accordingly.

The Examiner has rejected claim 84 and claims which depend from it as anticipated by Downs (U.S. 6,226,618). Applicant does not concede that Downs discloses the invention of claim 84. However, rather than argue this point, Applicant has submitted an accompanying declaration under 37 CFR 1.131 establishing invention of the subject matter of claim 84 prior to the effective date of the Downs reference, which is its filing date, August 13, 1998, either by reduction to practice prior to the effective date of Downs, or by conception of the invention prior to that date coupled with due diligence from that date to the filing of the present application (or by both).

The remaining claims have been rejected as obvious from a combination of Downs with other references. Because Applicant's date of invention ante-dates Downs, these claims are allowable over the cited references.

The Examiner points out that "viewable" as used in claim 84 could be construed as potentially viewable (as in not currently being viewed but could be viewed at some point) or as currently viewed. The Examiner suggested clarification. The Applicant has amended element b of claim 84 to replace the word "viewable" with "displayed" at the one point in the claim where the intended meaning is "currently viewed". The remaining places where the word "viewable" appears, as noted by the Examiner, it means either currently viewed or not currently viewed but could be viewed at some point.

Applicant has added a new independent claim in data carrier form with essentially the same scope as claim 84, along with a corresponding set of dependent claims. Applicant has also presented a new independent claim in system form with essentially the same scope as claim 84, along with a corresponding set of dependent claims.

If the Examiner has any questions regarding this matter, Applicant requests the Examiner contact the undersigned at the number listed below

Respectfully submitted,
GRAYBEAL JACKSON HALEY LLP

A handwritten signature in black ink, appearing to read "Jeffrey T. Haley", written in a cursive style.

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